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S E C R E T SECTION 01 OF 03 BAGHDAD 000364

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TAGS: [PGOV](#) [PREL](#) [TU](#) [IZ](#)

SUBJECT: BARZANI: NO PEACE, NO STABILITY WITHOUT ARTICLE 140

REF: A. BAGHDAD 66

[1](#)B. BAGHDAD 299

Classified By: Senior Adviser David Pearce for Reasons 1.4 (b,d)

Summary

[1](#)1. (S) Masood Barzani February 4 warned that external and internal pressures were aligning to stall the Constitution's Article 140 process for resolving the status of Kirkuk and other disputed territories. The Kurds would not accept this. If Article 140 was dead, the KRG President said, the Constitution was dead. He sketched for Senior Adviser Pearce a bleak vision of Turkey-Iran-Syria cooperation against the KRG on the one hand, and, on the other, of his erstwhile Iraqi Arab allies stalling on 140 and reneging on long-standing political commitments. He said the effort to deprive the Kurds of their rights had been the cause of instability in Iraq since the 1920s, and it would be so again if this continued. The continuing Turkish airstrikes had gone on too long and exceeded all limits. He felt they were aimed not only at the PKK but at pressuring the KRG, and he vowed not to respond under the pressure of bombardment. Senior Adviser said the PKK was carrying out terror attacks against a U.S. friend and ally, and we supported action against it. But we also had made plain to Ankara this should be part of a comprehensive approach that also included political, economic, and social elements. Senior Adviser reminded Barzani there were also positive forces working to address the Article 140 issues -- including an active and capable UN envoy, and strong US support for those efforts. Barzani said the UN was taking too much time. Senior Adviser said the UN was getting to work, and being properly careful. But the real issue was that any lasting resolution would depend on an underlying political agreement. What was needed now was for Barzani and other political stakeholders to reach out to each other and discuss the tradeoffs that will be required. Worth noting is that, despite the KRG president's extended rant on domestic perfidy and neighbors' meddling, he was also at pains to transmit readiness for political compromise. If the spirit of the Constitution were upheld by others, he said, meaning a good faith effort on Article 140, then the Kurds were still prepared to make "sacrifices" for the sake of Iraq. End Summary.

Barzani Complains of Anti-Kurdish Machinations
and Wonders about UNAMI's Plans

[1](#)2. (C) Senior Adviser Pearce met February 4 in Salah al-Din with Kurdistan Regional Government (KRG) President Masood Barzani to review Article 140 issues. The meeting took place at Barzani's request. Accompanying Pearce were RRT Erbil IPAO Auden McKernan and Poloffs Cathy Westley and John Walsh. Accompanying Barzani were Kurdistan National Assembly (KNA) Speaker Kemal Kirkuki, KRG Minister for Extra-Regional Affairs Mohammed Ihsan, Barzani Chief of Staff Fouad Hussein

and KNA representatives Sardar Hakim (PUK) and Deler Muhand Sharif (Communist Party). At the end of the meeting, Barzani and Pearce met one on one and continued the discussion alone in Arabic.

¶3. (S) Barzani led off with his concern about the status of Article 140. The Kurds had shown flexibility in agreeing to United Nations Assistance Mission to Iraq (UNAMI) assistance; the Kurdish National Assembly in December had agreed to a six-month extension of Article 140 implementation. Since then, Barzani complained, two Article 140 High Committee members have resigned. And Prime Minister Maliki is creating obstacles. For example, Maliki instructed the Constitutional Review Committee to refer Article 140 to the Federal Supreme Court to determine its validity. This was not acceptable. The Turkmen held a conference to declare Article 140 dead. "If Article 140 is dead, the Constitution is dead," Barzani said flatly.

¶4. (S) Barzani asked about UNAMI's plan. One out of six months have passed, he said, and there is no plan, no timeline. At the rate they're going, it could take 30 years. If so, the Kurds will have no commitment to Iraq, to the Constitution, to anything. Senior Adviser responded that the UN was getting to work, and being properly careful, but it was not a matter of six months anyway. It was a matter of using the coming months to get in place a process that could really lead to resolution. And for any solution to last, it will have to hinge on an underlying political agreement. That means minimum buy-in from all the major communities. What was needed now was for Barzani and other political stakeholders to reach out to each other -- to people both in and out of government -- and discuss the tradeoffs that will be required. That means direct contact and discussions. And

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it means thinking about what they will do to accommodate others' interests.

¶5. (S) Barzani said the Kurds welcomed a constitutional solution, referendum, normalization, letting the people of the areas concerned decide. They did not want to see the issue take "other routes". They were ready to return to historical documents, including Ottoman ones. They knew other nationalities were involved, and he reiterated his pledge that minority rights would be fully respected. But to impose a solution outside the constitution was not acceptable. There was a conspiracy against the Kurds on this issue, to gain time. And, Barzani asserted, there was a lack of commitment from the GOI. The conspiracy extends outside of Iraq, too. Turkey, Iran and Syria have agreed on a plan to delay and spoil Article 140 progress. This was not just "analysis", he said, it was "information". And the consequences of GOI inaction on Article 140, he warned, would "not be good."

Senior Advisor Notes UN and U.S. Commitment

¶6. (S) Senior Advisor said the future of Kurd-Arab relations would remain an essential issue to address regardless of what the Article 140 Committee did or what any judicial review said. He suggested that Barzani stay focused and not fall into the trap of unproductive debates on parliamentary maneuvers or legalisms. He noted that there were strong forces in play to help the matter toward resolution. There was an active and dynamic UN representative on the ground working the issue. UNAMI's strategy is in fact the opposite of no movement; UNAMI is moving towards a process that will demonstrate along the way that progress is happening. The U.S. supported that effort. The U.S side is committed to addressing the substance, not because it was doing the Kurds or anyone else a favor, but because failure to do so would help the AQI and the insurgency in the north and continue to stall national political accommodation.

Depending on 140 Developments, the Kurds Can
Leave the GOI or Sacrifice for Iraq

17. (S) Since the founding of Iraq as a modern state in the 1920s, Barzani said, the Kurds had not allowed the Iraqi state to rest in peace, because they had been deprived of their rights. They had been allies in the overthrow of the previous regime. They had worked hard to make this government a success. They would not now accept their political partners reneging on political agreements and ignoring the Constitution. He felt a "kind of dictatorship" was emerging in Baghdad. The Prime Minister had surrounded himself with advisers who were creating problems. It was as though he had won election all by himself, without the support of others. If Baghdad now thinks it can cheat, evade, force, or get support from Iran, Turkey or the Arabs to gain time for Article 140 not to be implemented, then the Kurds will not allow this country to rest in peace. They will leave the government, and there will be no stability in Iraq. On the other hand, if the GOI commits to the Constitution, "we're ready to give sacrifices for the sake of Iraq." The KRG leader said that "we know we will not get everything (in the process), but it needs to be enough for our people to accept it," Barzani said.

18. (S) Senior Adviser said he chose to focus on Barzani's last point. He did not doubt the KRG president could cause problems for the government if he chose to do so. He was one of the most powerful men in the country. But the better course would be to help create conditions for political agreement on Article 140 that excluded none of the major stakeholders -- not the Kurds, not the Sunni, not the Shia. "You have the power to fix things and the ability to play a central role in establishing the stability and security this country needs," Senior Adviser said. Minimum buy-in from all sides would be necessary. It would require some give and take, he noted, and more meetings and contacts. There had not been enough of that yet.

19. (S) Barzani agreed that focus needs to be on the big picture, but he said the Kurds' opponents are using the details against them, so the Kurds must respond with details. Barzani said his main focus was not Kurd-Arab, his problem was with the government. The Prime Minister thinks Barzani is trying to remove him. But Barzani is interested in Iraq's stability. He and President Talabani had sent a memo to the PM suggesting some corrections, and the PM had responded "unwisely". Barzani repeated his displeasure with the negative Arab reaction to Article 140. PM Maliki had tried to "stab us in the back." He and his anti-Kurd allies should

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not think they have succeeded in hoodwinking the Kurds; they think they are safe and that time is on their side. If this continues, the KRG president said, we will indeed try to remove him.

Turkish Strikes Have Exceeded All Limits

110. (S) In a separate one-on-one conversation, Barzani told Senior Adviser that the reason he was angry with PM Maliki was because Turkish Prime Minister Erdogan had allegedly told Maliki that Turkey was going to attack "the Kurds" and Maliki had said he agreed. (Comment: Barzani appeared to believe that Turkey intended, and Maliki understood, something more than targeting the PKK, i.e. pressuring the KRG. End comment). This was not just "analysis," Barzani asserted, it was based on information. Barzani said the Arabs (Sunni and Shia alike) viewed the Kurds as being in a weak position. They see the balance of power shifting against the Kurds and so calculate that it is in their interest to play for time.

¶11. (S) A Kurdish delegation was set to visit Baghdad to discuss oil and other outstanding issues, Barzani noted. But there would be no decision for them to go until there was a yes or no on the budget question, i.e., whether the KRG receive 17% of the budget or a lower percentage. Senior Adviser reminded Barzani that he, and other political leaders, had an important responsibility, and that responsibility was to do what was necessary to make the government work.

¶12. (S) Also during the one-on-one, Barzani said vehemently that he would not be responsive to Turkish bombing. "The Turks have exceeded all limits," he said. It had gone on too long, these were violations of Iraq's sovereignty and it was inhuman. Barzani said he did not want nor did he support the PKK, but this was a Turkish attack on Kurdistan. The Kurds had exercised restraint, but the bombing had to stop. If it continued, the KRG may have no aircraft, but they would not shut up. He would say on television that the attacks were occurring, and with U.S. support. And Turkish forces were on KRG territory. They would have to leave.

¶13. (S) Senior Adviser repeated that this was a time when Barzani should think very carefully about the statements he made. What was needed now were statements from leaders that helped, not statements that made things worse. What Barzani said was closely monitored, and it counted for a great deal, for good or for ill. Senior Adviser said the PKK is a terrorist organization, it is engaged in attacks on a friend and ally of the United States, and the U.S. supports action against them. But the U.S. has also made plain to the GOT our view that the approach to the problem must be comprehensive. And in fact, the U.S. assessed that that approach had gained acceptance in both the GOT and TGS leaderships. Senior Adviser also noted the KRG pressures on the PKK, and said repeatedly that arrests would help. Barzani acknowledged that the U.S. considered the PKK a terrorist organization but he would go no further himself than terming them a "problem organization." Barzani said several times he did not support the PKK and asserted they could not come to the Kurdistan Democratic Party (KDP) area. Makhmour was not under KRG control, it was under the UNHCR. In any case, the answer to the PKK issue was not military, Barzani argued, it was political. For three to four years, the PKK had been prepared to engage in a political process.

Comment

¶14. (S) Barzani asked for this meeting to discuss Article 140 in a macro sense, i.e. in terms of the Kurds' relations with the rest of Iraq, not to exchange views on micro details of implementation. While he was concerned about the UN's immediate plans, the big issues for him were GOI intentions and neighborly meddling. He was not in a mood to be bulldozed, whether by his allegedly double-dealing political partners or by neighbors he views as opposed to a process that will legitimize the confines of a Kurdish autonomous region. PM Maliki came in for particular venom. But Barzani was also at pains to transmit that he was prepared for political compromise, provided there is also a good-faith effort by others to proceed with addressing the Article 140 issues.
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